

## REMARKS

The Examiner rejected claims 1-15 as being indefinite under 35 U.S.C. 112. The applicant submits redrafted claims, which clarify the scope of the claims. Additionally, the redrafted claims include corrections to eliminate previous errors resulting in insufficient antecedent basis.

The Examiner rejected claims 1 – 11 as being anticipated under 35 U.S.C. 102(b). The Examiner referenced U.S. Patent Number 4,342,438, ("the Speedie Reference"). Applicant submits that the current set of claims are patentable over these references.

### **Applicant Requests Reconsideration of the Examiner's Finding Under 102(b).**

Applicant requests reconsideration of the examiner's finding under 102(b) with respect to the Speedie Reference. While the Speedie Reference teaches the basics of a band that includes a holding means and attachment means, the design and function are distinct from the current invention. The Speedie Reference teaches a holding means that includes an upward protrusion. In the current invention, a groove in the upper portion of the fastener assembly is essential for holding the arch of a shower caddy to the band. The protrusion of the holding means as taught by the Speedie Reference could not removeably engage the shower caddy as envisioned in the current invention.

The Speedie Reference teaches an attachment means which includes a second protrusion which fits through the aperture in the band. The current invention attaches the band to the lower portion of the fastener assembly. Use of a second protrusion that protrudes into the band, as taught by the Speedie Reference, would prevent the close contact between the band and the shower head piping, around the entire circumference of the shower head pipe, as is made possible in the current invention.

**Applicant Requests Examiner's Consideration of Information Disclosure Statement.**

Applicant submits enclosed Information Disclosure Statement regarding patents pertinent to the prior art.

**Applicant Requests Examiner's Consideration of Discrepancies in Line Numbering.**

Applicant is unable to resolve Examiner's line references with the original filed specifications. Included is a copy of the original specifications for Examiner's convenience.

Applicant has referred to this copy in this response.

**Conclusion**

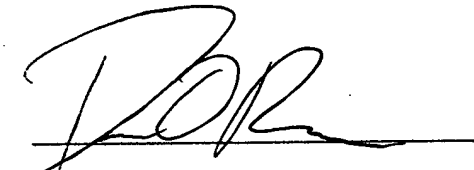
Applicant submits that claims 15-30 are patentable over the references cited by the Examiner. In light of the arguments set forth above, Applicant earnestly believes that the above-claims are allowable.

If the examiner feels that for any reason this patent application is not in condition for allowance, then the Applicant respectfully requests that the Examiner contact the undersigned at (773) 315-8093. Applicant would also appreciate an interview with the Examiner to address any outstanding issues and thus expedite prosecution of this patent application to issuance.

Respectfully Submitted

Date:

10/31/05



A handwritten signature in black ink, appearing to read 'P. O'Rourke', written over a horizontal line.

Patrick O'Rourke

Applicant